

**Remarks/Arguments:**

**Preliminary Matters**

Claims 2 - 18 are pending in the present application. New claims 19 - 22 have been added, and it is submitted that these claims are allowable. Applicant contends that no new matter has been added. Applicant notes with appreciation the indication that claims 2 - 7, 11, and 14 - 16 are allowable.

Claims 6 - 10 , 14, and 15 stand objected to due to informalities. Claims 6 - 10 , 14, and 15 have been amended to clarify the informalities as suggested by the Examiner. Reconsideration of these claims is respectfully requested.

Applicant notes with appreciation the indication that claim 10 would be allowable if rewritten in independent form. Applicant respectfully submits, however, that because claim 10, as amended, is dependent upon allowable claim 9, claim 10 should also be allowed at least as dependent upon an allowable base claim.

New claims 19, 20, 21, and 22 are dependent upon claims 8, 9, 17, and 18, respectively, and therefore should also be allowed at least as dependent upon allowable base claims.

**35 U.S.C. § 103**

Claims 8, 12, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,861,201 to Cuilleron in view of U.S. Patent No. 2,514,227 to Dodge. Applicant respectfully traverses the rejection of these claims and respectfully submits that these claims are patentable over the art of record for at least the reasons set forth below.

Applicant's invention, as recited in independent claim 8 (as amended), includes at least one feature that is neither disclosed nor suggested by Cuilleron nor Dodge, namely:

*A dental handpiece for driving continuous rotation of a dental tool, said handpiece including...adjusting means directly accessible by the user for voluntary adjustment of the maximum torque that can be transmitted.*

As illustrated in the exemplary embodiment shown in Fig. 1, and for illustrative purposes only, a dental handpiece for driving continuous rotation of a dental tool is provided. Page 10, lines 4 - 14. An adjuster ring 25 that can slide axially is mounted on the handpiece neck 1 and is *directly accessible to the user*. Page 12, lines 20 - 22.

In contrast, the machine of Cuilleron relates to a quick change adapter provided with a torque limiter, for a tapping chuck. Column 1, lines 5 - 6. Adjustment of the machine of Cuilleron is via a screw 10 and nut 9 arrangement within a casing 3. Column 2, lines 30 - 33. More specifically, the screw 10 and the casing 3 rotate with the first shaft, driven by the machine. Column 2, lines 42 - 43. The screw 10 can only be driven by a screw driver, which cannot be driven by the same hand holding the handpiece. In other words, *the adjusting means is not directly accessible by the user.*

In further contrast, Dodge discloses overload release couplings for connecting driving and driven shafts. Column 1, lines 2 - 4. Nowhere does Dodge disclose *adjusting means directly accessible by the user* for voluntary adjustment of the maximum torque that can be transmitted.

It is because Applicant includes the feature of the directly accessible adjusting means that the following advantages are achieved. Because the adjustment means is directly accessible to the hand of the dentist holding the handpiece, the use of the other hand is not required. Page 4, lines 30 - 32. Furthermore, there is reduced interference with the holding and positioning of the handpiece. Page 4, lines 33 - 34.

Thus, because claim 8 includes limitations that are neither disclosed nor suggested by Cuilleron or Dodge, alone or in combination, *prima facie* obviousness cannot be established based on the cited references. Accordingly, Applicant respectfully submits that claim 8 should be allowed. Claim 12 is dependent upon claim 8, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of these claims is respectfully requested.

Independent claim 17 (as amended), although not identical to claim 8, includes patentable features similar to claim 8. Specifically, claim 17 recites, among other things, *adjusting means directly accessible by the user* for voluntary adjustment of the maximum torque that can be transmitted. Accordingly, claim 17 is also patentable over Cuilleron in view of Dodge for at least the reasons set forth above. Reconsideration of this claim is respectfully requested.

**35 U.S.C. § 102**

Claims 9, 13, and 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,827,260 to Kato. Applicant respectfully traverses the rejection of these claims and respectfully submits that these claims are patentable over Kato for at least the reasons set forth below.

Independent claims 9 and 18, both as amended, although not identical to claim 8, include patentable features similar to claim 8. Specifically, claims 9 and 18 recite, among other things, *adjusting means directly accessible by the user* for voluntary adjustment of the maximum torque that can be transmitted.

In contrast, the invention of Kato relates to a mechanical shaft-coupling device for coupling a driving shaft connected to a motor with a driven shaft connected to its load. Column 1, lines 6 - 8. Adjustment of the device of Kato is via a bolt 6 and nut 7 arrangement within driving and driven shafts 1 and 4. Column 4, lines 49 - 53. More specifically, force F can be adjusted by changing the matched relative position of the bolt 6 and the nut 7. Column 4, lines 49 - 52. The adjustment is made *before the shaft-coupling device body is assembled*. Column 4, lines 53 - 55. In other words, *the adjusting means is not directly accessible by the user*.

Accordingly, for the foregoing reasons, Applicant respectfully submits that independent claims 9 and 18, as amended, are patentable over Kato and should be allowed. Claim 13 is dependent upon claim 9. Therefore, claim 13 should also be allowed at least as dependent upon an allowable base claim. Reconsideration of these claims is respectfully requested.

**Allowable Subject Matter**

As explained above, claims 2 - 7, 11, and 14 - 16 are clearly allowable.

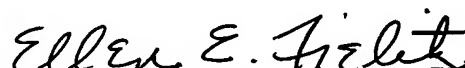
Appln. No.: 10/088,710  
Amendment Dated February 14, 2005  
Reply to Office Action of November 16, 2004

DEB-734US

**Conclusion**

In view of the amendments and points of distinction set forth above, Applicant contends that the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
Allan Ratner, Reg. No. 19,717  
Ellen E. Fielitz, Reg. No. 54,746  
Attorneys for Applicant

AR/EEF/ks

Dated: February 14, 2005

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 14, 2005



K\_I:\DEB\734US\1-16-04OA RESP.DOC